

REMARKS

Applicant files concurrently herewith a Request for Continued Examination (RCE) in response to the Final Office Action mailed January 29, 2007, (hereinafter, "Office Action"). In the Office Action, the Examiner rejected claims 2, 8, 9, 11, 16, and 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,275,824 to O'Flaherty et al. ("*O'Flaherty*") in view of U.S. Patent No. 5,930,391 to Kinjo et al. ("*Kinjo*").

By this amendment, Applicant has amended claims 2, 8, 9, 11, 16 and 17. Support for the amendments can be found at, for example, pages 15, 18, 26-28, and 30. No new matter has been added. Claims 2, 8, 9, 11, 16 and 17 remain pending.

In light of the foregoing amendments and based on the reasoning presented below, Applicant respectfully traverses the rejection of claims under 35 U.S.C. § 103(a), and requests allowance of pending claims 2, 8, 9, 11, 16 and 17.

I. Claim Rejection Under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 2, 8, 9, 11, 16, and 17 under 35 U.S.C. § 103(a) as being obvious over the cited art. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See *M.P.E.P.* § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, p. 2. A *prima facie* case of obviousness has not been established because, among other things, none of the cited

art nor any obvious variant thereof, taken alone or in any reasonable combination, teaches or suggests each and every element of Applicant's claims.

A. O'Flaherty

O'Flaherty fails to teach or suggest, *inter alia*, "an extracting unit configured to extract a contour of a person's face from the information item, to detect an image of the person's face as a personal information item; a generating unit configured to generate an anonymous information item by separating the detected personal information item from the information item . . . ; [and] a first storing unit configured to store the encrypted personal information item, the anonymous information item, and one of a plurality of levels which corresponds to the personal information item . . . ," as recited in independent claim 2.

O'Flaherty discloses an apparatus "having a database management system 104 storing one or more extended databases 106." *O'Flaherty*, col. 4, ll. 4-5. "Virtually all access to the data stored in the extended database 106 is provided solely through [a] dataview." *Id.* at col. 4, ll. 37-38 (emphasis added). *O'Flaherty* states that the dataview is formed when the "database management system . . . define[s] a virtual table and save[s] that definition in the database as metadata with a user-defined name." *Id.* at col. 4, ll. 8-11 (emphasis added).

As the Examiner acknowledges, "O'Flaherty does not explicitly disclose . . . an image of a person's face . . . to extract a contour of a person's face; to detect the image of the person's face." Office Action, page 4. Thus, *O'Flaherty* cannot disclose "an extracting unit configured to extract a contour of a person's face from the information item, to detect an image of the person's face as a personal information item," or "a

generating unit configured to generate an anonymous information item by separating the detected personal information item from the information item . . .,” as recited in amended claim 2 (emphasis added).

In addition, *O’Flaherty* fails to teach or suggest “a first storing unit configured to store the encrypted personal information item, the anonymous information item, and one of a plurality of levels which corresponds to the personal information item . . .,” as also recited in claim 2. Instead, *O’Flaherty* explicitly states that “[m]etadatas about the privacy dataviews (including the dataview name, names and data types of the dataview columns, and the method by which the rows are to be derived) is stored persistently in the databases metadata, but the actual data presented by the view is not physically stored anywhere in association with the derived table.” *O’Flaherty*, col. 4, ll. 18-25 (emphasis added). Indeed, “[a]s a virtual table, a dataview is not physically materialized anywhere in the database until it is needed.” *Id.* at col. 4, ll. 14-15.

Accordingly, neither *O’Flaherty*, nor any obvious variant thereof, teaches or suggests the recitations of amended independent claim 2. *O’Flaherty* therefore cannot support a rejection of claim 2 under 35 U.S.C. § 103(a), and claim 2 should be allowable over *O’Flaherty*. Claims 8 and 9 should also be allowable due to their dependence from independent claim 2.

Independent claim 11, although of different scope, recites subject matter similar to that of claim 2. For at least the same reasons as set forth above in connection with amended independent claim 2, *O’Flaherty* cannot support a rejection of claim 11 under 35 U.S.C. § 103(a), and claim 11 should be allowable over *O’Flaherty*. Claims 16 and 17 should also be allowable due to their dependence from independent claim 11.

B. *Kinjo*

Kinjo fails to cure the deficiencies set forth above and the failure of *O'Flaherty* to teach or suggest, *inter alia*, "an extracting unit configured to extract a contour of a person's face from the information item, to detect an image of the person's face as a personal information item; a generating unit configured to generate an anonymous information item by separating the detected personal information item from the information item . . . ; [and] a first storing unit configured to store the encrypted personal information item, the anonymous information item, and one of a plurality of levels which corresponds to the personal information item . . . ," as recited in independent claim 2.

The Examiner appears to rely on "*Kinjo* [to disclose an] image of a person's face" and "to extract a contour of the person's face; to detect the image of the person's face." Office Action, page 4. If *Kinjo* includes such a teaching, which Applicant does not concede, it does not remedy the aforementioned deficiencies of *O'Flaherty*.

Kinjo teaches a "photographic printing apparatus" for "edge tracing processing for extracting a human contour" in which "contours of face candidate regions which are assumed to correspond to person's faces are judged from among the plurality of contour lines which were extracted by the . . . edge tracing processing for extracting a human contour." *Kinjo*, col. 11, l. 66, col. 16, ll. 61-62, and col. 16, l. 65 - col. 17, l. 2.

However, the processing of face candidate regions and selection of a face region do not constitute "an extracting unit configured to extract a contour of a person's face from the information item, to detect an image of the person's face as a personal information item" and "a generating unit configured to generate an anonymous information item by separating the detected personal information item from the

information item . . .,” as recited in independent claim 2 (emphasis added). Rather, *Kinjo* teaches that “exposure amounts E_j are computed on the basis of the image data of the face region” *Kinjo*, col. 20, ll. 65-67. “In this way, exposure amounts E_j at which a face region can be printed properly can be obtained.” *Id.* at col. 21, ll. 41-42. In other words, *Kinjo* appears to use contour data to determine a facial region and then apply image processing (e.g., exposure amounts) to the determined facial region.

Further, *Kinjo* fails to teach or suggest “a first storing unit configured to store the encrypted personal information item, the anonymous information item, and one of a plurality of levels which corresponds to the personal information item . . . ,” as recited in claim 2. Instead, *Kinjo* teaches “the image which is positioned at the exposure position is printed onto the photographic printing paper 28 at the exposure amounts E_j .” *Id.* at col. 22, ll. 4-7.

In addition to the failure of *O’Flaherty* and *Kinjo* to teach or suggest all the claim limitations, either alone or in combination, the Examiner’s stated motivation is neither suggested by the references themselves nor in the knowledge generally available to one of ordinary skill in the art. Further, *O’Flaherty* and *Kinjo* disclose alleged inventions intended for entirely different purposes and it would not have been obvious to one of ordinary skill in the art to combine the references. As mentioned above, *O’Flaherty* discloses a system for database management, whereas *Kinjo* discloses a method for image processing.

The Examiner’s assertion at pages 4-5 of the Office Action that “[s]killed artisan[s] would have been motivated to combine the *Kinjo*’s teaching of extracting person’s face image contour in the *O’Flaherty*’s teaching of managing private data to

enhance obtaining accurate information with correct contour line regions,” misrepresents the teachings of both *O’Flaherty* and *Kinjo*. *O’Flaherty* teaches “[a] method, apparatus, and article of manufacture for managing data privacy.” *O’Flaherty*, Abstract. However, *Kinjo* discloses “a method of determining copy conditions” in which “the area corresponding to the extracted outer edge region is subject to appropriate processing depending on the characteristics of the extracted region.” *Kinjo*, Abstract, col. 1, ll. 18-19. A schema such as taught by *Kinjo* would not be subject to combination with the system and method of *O’Flaherty* and it is unclear how a motivation to combine the two very divergent disclosures can be found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Therefore, it would not have been obvious to use the image processing scheme taught by *Kinjo* database management scheme disclosed by *O’Flaherty*.

Accordingly, neither *O’Flaherty*, nor *Kinjo*, taken individually or together, teach or suggest the recitations of amended independent claim 2. *O’Flaherty* and *Kinjo*, therefore, cannot support a rejection of claim 2 under 35 U.S.C. § 103(a), and claim 2 should be allowable over these references. Claims 8 and 9 should also be allowable due to their dependence from independent claim 2.

Independent claim 11, although of different scope, recites subject matter similar to that of claim 2. For at least the same reasons as set forth above in connection with amended independent claim 2, the cited references cannot support a rejection of claim 11 under 35 U.S.C. § 103(a), and claim 11 should be allowable over *O’Flaherty* and *Kinjo*. Claims 16 and 17 should also be allowable due to their dependence from independent claim 11.

II. Conclusion

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application, and the timely allowance of the pending claims.

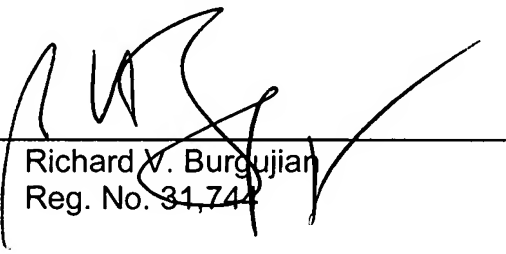
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: June 29, 2007

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